

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
January 25, 2005**

Place: Room 206
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Bigelow, Spain, Kenny, Forman

STAFF ATTENDING: Ginsberg, Keating
COURT REPORTER: Beler

The meeting was called to order at 8:01 p.m. by Mr. Damanti.

PUBLIC HEARING

Proposed Amendment to the Darien Zoning Regulations, Special Permit Application #85-C, Stamford Health Systems, 85 Old King's Highway North. Proposing to amend Sections 210 and 703 of the Darien Zoning Regulations to define Medical Diagnostic Centers and to allow them by Special Permit within the DOR-1 and DOR-5 Zones, and to establish a Medical Diagnostic Center in a portion of the first floor of the existing building at 85 Old King's Highway North. The subject property is located on the south side of Old King's Highway North, approximately 600 feet northeast of its intersection with Brookside Road, and is shown on Assessor's Map #35 as Lot #38, DOR-5 Zone.

Attorney William Hennessey of Sandak Hennessey & Greco, LLP represented Stamford Health Systems at this hearing. Stamford Health Systems would like their new Diagnostic Imaging Center to be located in Darien to better serve the residents of the Town. The existing Darien Zoning Regulation text would have to be amended to include a new use definition to accommodate a Medical Diagnostic (imaging) Center at the above location. MRIs, ultrasounds, and mammograms would be some of the services offered at this new center.

This center would be a Special Permit use within the DOR-1 and DOR-5 Zones and not exceed more than 25% of the floor area of the building. The second application, if approved, would allow this newly defined facility to occupy the existing building at 85 Old King's Highway North.

Unlike the building at 1500 Boston Post Road where the Diagnostic Imaging Center is located currently, this facility would not be shared with doctor's offices. It will only be used as a diagnostic imaging center. The offices at 1500 Boston Post Road are very heavily used, and has outgrown its space.

Mr. Damanti asked why the Commission should amend the current Zoning Regulations for this new facility. Mr. Spain asked whether 1500 Boston Post Road is proper zoning for this facility. Mr. Hennessey responded that the Diagnostic Imaging Center is not a medical office.

Mr. Spain stated that he thought this definition was narrow, and asked whether the definition should be broader to change this town-wide, long-term to other uses.

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
JANUARY 25, 2005
PAGE 2

Mr. Hennessey explained that buildings of this type, 85 Old King's Highway North, were former corporate headquarters, and are no longer being used this way. They have now become multi-tenant buildings, hopefully to benefit the community's best interest. In the present 1500 Boston Post Road facility, there is no longer room for the newer technology because the machines are bigger, heavier, and more powerful now, requiring more space for "safety zones." Some of the newer machinery requires steel-reinforced floors to support their weight. 85 Old King's Highway North fits the needs of the diagnostic imaging center's new requirements. He also stated that location was not the only criteria they looked for when deciding upon the new location. He read aloud from a portion of the 1995 Town Plan of Development, regarding DOR Zones.

Mr. Hennessey said that he had a traffic report for the Commission's review, but it was not finalized.

Mr. Damanti then stated that perhaps the Commission should continue this matter at a later date to look at traffic patterns, or for the next meeting, since there was a full agenda for this evening's meeting. Traffic concerns are also to be discussed with Jeremy Ginsberg and Dave Keating.

The current building at 85 Old King's Highway North is surrounded by different buildings, such as an ice skating rink, condominiums, office buildings, church, nursery school, Fuji Japanese Restaurant, and Post Road Shopping Center with several different types of stores, including Trader Joe's. These are in a variety of zoning districts. Mr. Hennessey stated that there would probably be a slight increase in traffic, most likely about a 25% increase.

Mr. Kenny stated that he would like to know how the Diagnostic Imaging Center would deal with an increase in traffic over 25% when new machinery was added and traffic increases because of this. Mr. Hennessey's responded that the Diagnostic Imaging Center would "grow" into this, and that they have allowed for this. However, they may have to come back to increase the parking if it resulted in more intense use of the facility.

Mr. Spain then stated that the Commission could be opening the door to changing the Zoning Regulations if the facility outgrows its use. Mr. Damanti asked why are we limiting this to just a medical facility?

Mr. Hennessey again stated that Stamford Health Systems main reason for this facility was to benefit the community, and to promote public health safety and welfare. He then listed the advantages to locating this facility in Darien:

- accessibility to residents
- discreteness of location
- good parking
- modern building with ground level side
- large enough to accommodate new machinery
- adaptability to future changes

Mr. Damanti asked if building was built on a slab, Mr. Hennessey stated that yes, it was.

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
JANUARY 25, 2005
PAGE 3

The next speaker for Stamford Health Systems was Ms. Kathleen Silard, Senior Vice President of Operations. Ms. Silard began by stating that the Diagnostic Imaging Center services are crucial to early detection of illness and reducing mortality rates, as well as critical to treatment options after illness is diagnosed. She also stated that the new location would give the Center approximately 9,000 square feet, of which only 7,000 square feet will be used at first. All analog machines will be replaced with state-of-the-art digital ones. New machinery will enable x-rays and MRIs, etc, to be sent electronically to doctors' offices instead of bringing them there.

Currently there are over 2000 mammograms done in Darien. At the new center will be more surgeons, mammographers, radiologists, etc who will be also dealing with patient mind, body, and spirit when diagnosing these illnesses. The cost for this will be approximately \$2.5 million in construction costs and \$2 million in equipment. The State of Connecticut has looked at this application favorably. This facility could be up and running within a few months.

Mr. Spain then asked whether a study has ever been done, including similar facility that have been set up in the Northeast, as to where located, what types of neighbors, use of facility, etc. He also mentioned that the zone has to be changed to accommodate this type of center.

Ms. Silard stated that there are many communities all over the country that have these facilities that are currently in use. She also stated that she will consider a study on other centers such as this one that have been set up elsewhere.

Mr. Bigelow then asked about the weight of the MRI equipment and the square footage needed to accommodate it. Mr. Mike Smeriglio (in charge of Facilities for Stamford Health Systems) stated that at 1500 Boston Post Road, the MRI weighs about 1750+ pounds and that the new one would weight 3500 pounds. This equipment also needs mechanical space for cooling units (a minimum of four feet above). About 400 square feet of space is needed for an MRI machine.

Mr. Kenny then noted that they are leasing 8,346 feet of space at 1500 Post Road and that the planning for the next piece of equipment has not been identified. Ms. Silard stated that an additional MRI would not be needed in Darien since they have them at Tully and Stamford Hospital in Stamford. They might need additional ultrasounds, mammography and PET equipment at the new facility.

Mr. Kenny asked if there are physicians onsite at Darien facility to diagnose first and second tests. Mr. Silard stated that there was always a radiologist on site. 1500 Boston Post Road does 4500 procedures a year – this would be increased to 12,000 per year at the new location.

Dr. Steve Cohen, Chairman of the Department of Radiology, also spoke on the benefits of relocating this facility with regard to increased services and diagnostic capability. This would be a very high quality imaging center to diagnose vascular disease, cancer, bone density study, virtual colonoscopy, kidney diseases, tendons, and muscles.

Mr. Mike Herling, Chairman of the Board of Stamford Hospital, spoke about the strategic planning for a primary market like the Town of Darien, which is the perfect location for this type of service to benefit hospital and town residents and that he hopes that the Planning & Zoning Commission will consider the benefits of this center to the community.

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
JANUARY 25, 2005
PAGE 4

Mr. Damanti stated that this discussion would be continued at next week's meeting.

Mr. Spain then asked whether the traffic study had been completed and that it should be analyzed by traffic experts for usage by the Diagnostic Imaging Center as well as including any other type of tenants that might be using this building. Mr. Hennessey stated that he would have a traffic analysis to Jeremy Ginsberg by Friday morning. It was estimated that there would be 12,000-14,000 procedures per year at this site, about 70 per day.

Mr. Harvey, a former Chairman of the Board of Stamford Hospital, also reiterated that discreetness and ease of location is important, and that Planning & Zoning has not addressed this type of use in the past. This is absolutely the cutting edge, with the newest equipment technology to care for the people in Darien.

Mr. Damanti acknowledged that the Commission will need to continue this public hearing to allow for time to receive and review the additional information, including the traffic study. Mr. Kenny made a motion to continue the discussion of the 85 Old King's Highway North applications to February 1, 2005 at 8 p.m. in room 206 of Town Hall. Mr. Bigelow seconded that motion, which was unanimously approved by the Commission.

Mr. Damanti read the next agenda item:

Land Filling & Regrading Application #24-A, Friends of Woodland Park, Woodland Park, 41 West Avenue. Proposing to dredge Turtle Pond, repair its embankment, leave the dredged organic material east of the pond, and perform related site development activities. The subject property (Woodland Park) is located on the south side of Middlesex Road, directly across from its intersection with Laurel Lane, and is shown on Assessor's Map #24 as Lot #41, in the R-1/2 Zone.

Ms. Dot Kelly, member of Friends of Woodland Park, spoke for the organization regarding the dredging of Turtle Pond in the Park. She explained that Betty Jewett and Meg Orner were also in attendance. She stated that the Environmental Protection Commission approved the removal of leaf sediment and to prepare a new embankment. The Friends of Woodland Park wish to relocate sediment and create a landscaping plan for new trees which will provide food sources for birds.

Mr. Spain then asked how many cubic yards would be involved in this dredging. Ms. Kelly answered about 200 square feet of wet sediment. Mr. Spain then asked whether they had found the cause of this problem. Ms. Kelly stated that the original owner (a farmer) had used the rocky soil to move his tractor around.

Ms. Kelly explained that engineers will design the pond to be a natural pond and not lose any water, and that all the water would stay on site. This is the most natural solution to this problem.

Mr. Kenny then requested an indication of where the pond was in the photos exhibited, which Ms. Kelly indicated to him. She also stated that this project would cost between \$20,000-\$25,000 and would need fund raising. Mr. Bigelow asked about the time period involved in implementation, and Ms. Kelly explained that they hope to start the project in July 2005.

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
JANUARY 25, 2005
PAGE 5

There were no further comments from the general public or Commission members. Mr. Kenny then made a motion to close the public hearing on this application. Mr. Bigelow seconded that motion, and the Commission unanimously approved the motion to close the public hearing.

Mr. Damanti read the next agenda item:

Special Permit Application #85-B, Lindamood-Bell Learning Processes, 85 Old King's Highway North. Proposing to establish an educational use in approximately 4,000 square feet of the first floor of the existing building at 85 Old King's Highway North. The subject property is located on the south side of Old King's Highway North, approximately 600 feet northeast of its intersection with Brookside Road, and is shown on Assessor's Map #35 as Lot #38, DOR-5 Zone.

It was noted that this application had been withdrawn earlier in the day.

Mr. Damanti read the next agenda item.

Special Permit Application #117-D, Noroton Presbyterian Church, 2011 Boston Post Road. Proposing to increase the maximum number of nursery school children allowed from 139 to 155 (an increase from 16 to 32 children for the Tot Drop service). The subject property is located on the northwest corner formed by the intersection of Boston Post Road and Noroton Avenue, and is shown on Assessor's Map #43 as Lots #3, #4 and #5, in the R-1/3 Zone.

Ms. Barbara Geraghty, Director of Children's Ministry, Noroton Presbyterian Church, represented the nursery school at this public hearing. The nursery school is operating under a temporary Special Permit granted by the Commission for its Tot Drop flexible babysitting service, which they want increased from sixteen to thirty-two children which will have only a minimal impact on services. The staff currently can accommodate sixteen children, but there are many requests from townspeople for increased quality childcare/babysitting.

Mr. Spain asked if this increase was just for the Tot Drop and not for the nursery school. Ms. Geraghty replied yes, it was just for Tot Drop.

Mr. Bigelow asked if all State permits for 139 children were currently up-to-date. Ms. Geraghty stated that they were maxed out at 139 by state for physical limitations, and that all permits are currently valid. There were no further comments from the general public or Commission members.

Mrs. Forman moved to close the public hearing on this application. Mr. Spain seconded that motion, which was unanimously approved by the Commission.

Mr. Damanti read the next agenda item.

Coastal Site Plan Review #109-A, Land Filling & Regrading Application #136, Ralph & Gail Reynolds, 104 Delafield Island Road. Proposing to raze the existing residence and pool, construct a new single-family residence, pool, bathhouse and septic system, and perform related site development activities within a regulated area. The subject property is located on the west side of Delafield Island

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
JANUARY 25, 2005
PAGE 6

Road approximately 1560 feet south of its intersection with Raider's Lane, and is shown on Assessor's Map #70 as Lot #40, R-1 Zone.

Attorney John J. Ryan represented Mr. & Mrs. Reynolds at this hearing. Architect Jim Thompson, engineer John Martucci, and engineer John Roberge were also present. Mr. Ryan explained that this particular proposed house site is elevated, and further back from the water than the existing house, and that there would be no impact or work being done in flood or wetlands areas. He stated that an earth moving filling and regrading Special Permit was needed and that the property is 2.9 acres. The parcel has a 1.0 acre area where a driveway would be brought through. The rainwater systems will be improved by this new construction. The floor level of the new house would be lowered from the current 33 feet to 28 feet, which will fit better on this site. There will be some blasting and removal of ledge involved for creating a basement. There will be a swimming pool on the upper lawn area and the septic system and part of the courtyard would not be in the line of sight.

Mrs. Forman asked if this was only one parcel. Mr. Ryan explained that this was one house on a three acre parcel. There is a 1.9 acre parcel where the proposed house will be with an additional one acre parcel which can be used as another building lot, but that this was now considered one parcel of land containing one residence. Mr. Thompson stated that they were fitting the new house to the site.

Mr. Spain asked if the existing driveway will stay in the same location. Mr. Thompson answered yes. Mr. Kenny asked if there would be speed bumps added. Mr. Thompson responded that might be a good idea.

Mr. Terry Loughren, Road Commissioner of Delafield Island Association, who lives at 88 Delafield Island Road, had concerns with this project with regard to heavy equipment in the vicinity during construction; parking; disruption to other residents; and neighbors being able to get in and out of the area. He was also concerned with the blasting and site preparation needed. Mr. Thompson stated that the retaining wall and fill would be removed and landscaped. Mr. Loughren also questioned whether the one acre lot where the driveway would be going through would still be saleable.

Mr. Spain asked whether the one acre lot would be sold to someone else to build another house on. Mr. Thompson stated that yes, they could possibly abandon the driveway and it is severable. Mr. Loughren voiced a strong concern with building another house on a one acre plot. Mr. Thompson stated that Mr. Reynolds owns eight acres at this point in time and has no plans to subdivide and build. Mr. Damanti then stated that this land could still be reconfigured despite the driveway easement and that there is no guarantee this would not be sold and/or built upon at a future date.

There were no further comments or questions from the general public or Commission members on this matter. Thus, Mr. Bigelow made a motion to close the public hearing on this application. Mrs. Forman seconded that motion. Commission members voted 5-0 to close the public hearing.

At 9:40 p.m., Mr. Damanti read the next agenda item:

Coastal Site Plan Review #197-A, Land Filling & Regrading Application #131-A, David Mangini and Casey Elliot, 40 Goodwives River Road. Proposing to construct a new residence with associated septic system, remove kitchen from existing cottage, fill and regrade portions of the

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
JANUARY 25, 2005
PAGE 7

property, and perform related site development activities within a regulated area. Subject property is located on the east side of Goodwives River Road approximately 1,200 feet south of its intersection with Old King's Highway South, and is shown on Assessor's Map #63 as Lot #106-A, R-1 Zone.

Mr. Mangini and Mr. Elliot of Somerset Builders would like to build a new house and keep the existing cottage, taking out the cottage kitchen, and making it a guesthouse. This is a 2.27 acre site with a proposed conservation easement adjacent to the water (Goodwives River) across the street. The Environmental Protection Commission has approved their plan (for work within fifty feet of wetlands) and septic system. The gazebo will be removed as part of this application.

Mr. Spain asked where the land is with reference to Morley Lane. Mr. Elliot stated that there will be terracing done on-site. Mr. Kenny questioned the proposed septic system and whether the height of the building was in excess of thirty feet per Grumman Engineering specifications. Mr. Mangini responded that the height calculation shown on the plan was an error, and that the "greater than" sign was wrong. The symbol should read "less than" thirty feet. The house is a two story structure with a pitched roof.

Mr. Ginsberg stated that there would be a curb cut/street opening permit needed from the Public Works Department for the new driveway on Goodwives River Road, and that the septic system had been approved by the Darien Health Department, but the Sewer Commission has approved the concept of a public sewer system along Goodwives River Road. The applicants have noted they may be interested in tying into the proposed public sewer system, if they can coordinate the timing.

There were no further comments or questions from the general public or Commission members. Thus, Mr. Bigelow made a motion to close the public hearing on this application. Mr. Kenny seconded that motion. Commission members voted 5-0 to close the public hearing.

Mr. Damanti read the next agenda item:

Coastal Site Plan Review #201, Joan Barksdale, 27 Tokeneke Trail. Proposing to remove existing poolhouse, swimming pool and terrace, and modify the existing driveway and construct a new garage/studio and perform related site development activities within a regulated area. The subject property is located on the south side of Tokeneke Trail approximately 750 feet southwest of its intersection with Runkenhage Road, and is shown on Assessor's Map #69 as Lot #40, R-1 Zone.

Sean O'Kane, Architect, represented Mrs. Barksdale at this hearing. Mrs. Barksdale would like to expand the existing driveway to access a proposed new garage, put existing overhead utilities/wires underground, and renovate the existing house. According to Mr. O'Kane, there are no setback issues, since the house is outside the 100 foot coastal boundary. They are removing the existing pool and poolhouse (which did intrude into flood plain) and constructing a new garage.

Mrs. Forman asked how they were going to take the existing pool house structure down, since getting equipment into the area was difficult. Mr. O'Kane stated that there would be no heavy equipment in the area, the garage will be put where poolhouse was, at the natural grade. The poolhouse will be removed from the uphill side.

PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
JANUARY 25, 2005
PAGE 8

There were no further comments or questions from the general public or Commission members. Thus, Mr. Kenny made a motion to close the public hearing on this application. Mr. Bigelow seconded that motion. Commission members voted 5-0 to close the public hearing on this matter.

At 10:00 p.m., the Commission then went into a General Meeting.

GENERAL MEETING

Discussion and deliberation on the any closed public hearing items.

Commission members discussed the five public hearing items closed earlier in the evening. They noted that they had no significant comments or concerns regarding the Noroton Presbyterian Church and Woodland Park applications. Regarding the Reynolds application, Commission members wanted the resolution to refer to the adjacent vacant lot which is not part of the subject application.

Commission members had no significant concerns regarding the Mangini/Elliott application, except for a typographical error on the plans that needed to be corrected regarding the height of the proposed house. They noted that the blasting on the Barksdale property needs to be approved by the Darien Fire Marshal.

Mr. Ginsberg said that he will try to have draft resolutions prepared for the Noroton Presbyterian Church and Woodland Park for the February 1st meeting. The three other applications would likely be put on the February 8th agenda for a possible decision.

Approval of Minutes

Commission members then reviewed the January 4, 2005 Public Hearing/General Meeting minutes. Mr. Bigelow made a motion to approve the minutes as written. Mr. Spain seconded that motion, which was approved by a vote of 5-0.

There being no further business, the meeting was adjourned at 10:00 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director